

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows: Claim 55 should depend on claim 53 not 54 as claimed.

Allowable Subject Matter

2. Claims 44, 46-53, 55-73 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 44, 53, 61, and 68, the prior art of record fails to teach a noise and interference histogram of a channel used to determine a desired power level of a received signal at an antenna, wherein the histogram is a received power indicator histogram and wherein the parameter is an 8-bit unsigned value, as indicated in the claims and pointed out in Remarks (filed 1/23/2007).

Regarding claims 46-52, 55-60, 62-67, 69-73, these claims are allowed as being dependent upon independent claims that have been allowed.

Conclusion

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 9, 2008

/SIMON D NGUYEN/
Primary Examiner, Art Unit 2618

Application/Control Number: 10/729,332
Art Unit: 2618

Page 4